

REMARKS

Status of the Claims

Claims 1-5 and 7-10 are pending and claims 17-21 are withdrawn.

Claims 14-16 and 22-25 are canceled.

Claims 1-10 are rejected under 35 USC 103(a).

Interview Summary

The Examiner was kind enough to discuss the above-referenced case by telephone with Applicant on August 8, 2007. In particular, the typographical error in variable X of original claim 6 was discussed and an agreement was reached to correct this error (i.e. "X is -CHR¹⁶NR¹⁷-" in the claims as well as the specification. The withdrawn method-of-use claims were also discussed. In response, Applicant has canceled claims 14-16 and 22-25, and amended claims 17-21 for the Examiner's review.

Amendments

The Applicant has corrected the afore-described typographical error, amended claim 1 to put it into proper sentence form and limited the method-of-use claims to asthma, multiple sclerosis, arteriosclerosis, and rheumatoid arthritis. It is believed that all the amendments described herein do not add new matter, nor do they broaden the scope of the claims.

Rejection under 35 USC 103(b)

The Examiner has renewed his rejection of claims 1-5 and 9-10 over Choi-Siedeski, (WO99/62904) in view of with Patani (Chem Rev. 1996, 3147-3176) and In re Wood (199 USPQ 137) contending that Applicant's compounds are obvious over the combination of references. In response, the "heteroaryl system" variable has been deleted from the definition of R¹.

Accordingly, the Choi-Siedeski compounds differ in at least three respects from the presently claimed invention. The group pending off Choi-Siedeski's N-pyrrolidinyl linker must be a monocyclic heteroaryl group (see "Summary of the Invention, page 2 of Choi-Siedeski), unlike the aryl group of the present invention; the sulfonyl amide off the pyrrolidinyl ring is not the amide of the present invention; and, unlike Choi-Siedeski, the linker between the Applicant's R¹ aryl ring and the pyrrolidinyl ring cannot be "-(CH₂)₂NR"(CH₂)-" (i.e. X is -(CHR¹⁶)₁NR¹⁷(CR⁶R⁷)(CR¹²R³)- where m and l are 0 – the subscript and parentheses are added herein only to further clarify the linker comparison). No combination of Patani and/or In re Wood predicts the difference in the N-linker

group, nor the group pending off the N-linker, and certainly not the combination of all three differences in structure. The Applicant therefore respectfully requests withdrawal of the rejection under 35 USC 103(b) over the combination of the aforementioned references.

In view of the foregoing, Applicants submit that the application is now in condition for allowance. Early notification of such action is requested.

FEES

No fees should be due. However, if it is determined that a fee is due, please charge same to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Respectfully Submitted,
/Laurelee A. Duncan, Reg. No. 44,096/
Laurelee A. Duncan
Attorney for Applicant
Phone: 609-252-5323

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000

Date: August 13, 2007